

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MICHELE MARIE HAGBERG-SCHROEDER,

Plaintiff,

Case No. 06-C-185

v.

GENEVA WATERFRONT, INC.,
d/b/a THE GENEVA INN,

Defendant.

OPINION AND ORDER

Defendant Geneva Waterfront, Inc. has moved to dismiss the Plaintiff's first cause of action for a violation of the Wisconsin Fair Employment Act. See Wis. Stat. §§ 111.31, et seq. The Defendant argues that this claim must be dismissed because the Plaintiff did not perform a condition precedent to suit by exhausting her administrative remedies through the Wisconsin Department of Workforce Development.

The Plaintiff has not filed a timely response and her time to respond has now passed, so her right to respond is deemed waived. See Civil Local Rule 7.1. Therefore, because it is undisputed that the Plaintiff did not exhaust her state administrative remedies, the court ORDERS that "Geneva Waterfront, Inc.'s Rule 12(b)(6) Motion to Dismiss the First Cause of Action in the Complaint" (filed February 15, 2006) IS GRANTED. See Federal Rule of Civil Procedure 12(b)(6).

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 5th day of April, 2006.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge